

FORM PTO-1390

U.S. Department of Commerce Patent and Trademark Office

Attorney's Docket No.

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

1604-129

U.S. Application No. (if known, see 37 CFR 1.5)

09/807,458

INTERNATIONAL APPLICATION NO.
PCT/ES99/00327

INTERNATIONAL FILING DATE
October 15, 1999

PRIORITY DATE CLAIMED
October 16, 1998

TITLE OF INVENTION
NOVEL IMIDAZOLES WITH ANTI-INFLAMMATORY ACTIVITY

APPLICANT(S) FOR DO/EO/US Carmen ALMANSA, Concepcion GONZALEZ, M^a Carmen TORRES

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11. TO 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Fee Transmittal; Copy of the Notification of Missing Requirements

Rec'd PCT/PTO 05 JUL 2001

U.S. APPLICATION NO. (If known, see 37 CFR 1.50)
09/807,458

INTERNATIONAL APPLICATION NO.
PCT/ES99/00327

ATTORNEY DOCKET NO.
1604-129

17. [] The following fees are submitted:

Basic National Fee (37 CFR 1.492)(a)(1)-(5):

Search Report has been prepared by the EPO or JPO	\$ 860.00
International preliminary examination fee paid to USPTO (37 CFR 1.482)	\$ 690.00
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))	\$ 710.00
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$ 1,000.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)	\$ 100.00

CALCULATIONS

PTO USE ONLY

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

Claims	Number Filed	Number Extra	Rate		
Total Claims	24 - 20 =	4	X \$18.00	\$ 36.00	
Independent Claims	1 - 3 =	0	X \$80.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$	

TOTAL OF ABOVE CALCULATIONS =

\$ 166.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$ 166.00

Processing fee of \$130.00 for furnishing the English translation later [] 20 [] 30 than months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$

TOTAL NATIONAL FEE =

\$ 166.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+

\$ 40.00

TOTAL FEES ENCLOSED =

\$ 206.00

07/10/2001 MNGUYEN 00000092 022135 09807458

01 FC:154
02 FC:966

130.00 OP
72.00 OP

Amount to be
refunded

\$

charged

\$

- a. ☒ Two checks in the amount of \$166.00 & 40.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 02-2135 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.
- d. ☐ Payment by credit card. (Form PTO-2038 enclosed.)

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Bart G. Newland
Rothwell, Figg, Ernst & Manbeck
555 13th St., N.W.
Washington, D.C. 20004
Phone: 202/783-6040

Barbara G. Ernst
Signature

Barbara G. Ernst
Name

30,377
Registration Number

FEE TRANSMITTAL
for FY 2001
(Larg Entity)

Complete if Known

<p>FEE TRANSMITTAL for FY 2001 (Larg Entity)</p>		Application Number	09/807,458 (U.S. Appl. No.) PCT/ES99/00327 (Internat'l Appl. No.)
		Filing Date	04-13-2001 (U.S. filing date) 10-15-1999 (Internat'l filing date)
		First Named Inventor	Carmen ALMANSA et al.
		Examiner Name	
		Group Art Unit	
Total Amount of Payment	(\$ 206.00)	Attorney Docket Number	1604-129

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status
2. ☒ Payment Enclosed
- ☒ Check
- ☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
101	710	Utility filing fee	[]
106	320	Design Filing Fee	[]
107	490	Plant Filing Fee	[]
108	710	Reissue Filing Fee	[]
114	150	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Extra Claims	Fee	Fee Paid
[2] - 2** = [2] x		\$18 =	[36]
Independent Claims [1] - 3** = [] x		80 =	[]
Multiple Dependent Claims +		270 =	[]

**or number previously paid, if greater;

SUBTOTAL \$ 36.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	[130]
127	50	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
115	110	Extension for reply within first month	[]
116	390	Extension for reply within second month	[]
117	890	Extension for reply within third month	[]
118	1,390	Extension for reply within fourth month	[]
128	1,890	Extension for reply within fifth month	[]
119	310	Notice of Appeal	[]
120	310	Filing a brief in support of an appeal	[]
121	270	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
140	110	Petition to revive -unavoidable	[]
141	1,240	Petition to revive - unintentional	[]
142	1,240	Utility issue fee (or reissue)	[]
143	440	Design issue fee	[]
144	600	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Processing fee under 37 CFR 1.17(q)	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[40]
146	710	Filing a submission after final rejection (37 CFR 1.129(a))	[]
149	710	For each additional invention to be examined (37 CFR 1.129(b))	[]
179	710	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
195	300	Publication fee for early, voluntary, or normal publication	[]
196	300	Publication fee for republication	[]
089	200	Filing application for patent term adjustment	[]
090	200	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

* Reduced by Basic Filing Fee Paid

SUBTOTAL

\$170.00

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Barbara G. Ernst, Reg. No. 30,377		
SIGNATURE	Barbara G. Ernst	DATE	July 3, 2001
		DEPOSIT ACCOUNT USER ID	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO. 09/807458	FIRST NAMED APPLICANT ROTHWELL FIGG ERNST & MANBECK	ATTY. DOCKET NO. 1604 129
BART G NEWLAND ROTHWELL FIGG ERNST & MANBECK 555 13TH STREET N W WASHINGTON, DC 20004		INTERNATIONAL APPLICATION NO. PCT/ES99/00327
RECEIVED DOCKETING ALMANS 1604-129 OK TO FILE		I.A. FILING DATE 15 OCT 99
		PRIORITY DATE 16 OCT 98
		DATE MAILED: 08 MAY 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

ENTERED
5/11/01

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ 36.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☒ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Barbara A. Campbell

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3631